

REMARKS

Responsive to the requirement for restriction, applicants elect Group I, claims 1-22, drawn to a ceramic material, with partial traverse.

It is believed that the requirement for restriction between Groups I and II cannot properly be repeated. The reasons why not are as follows:

Claims 17 and 20-23 recite five intended uses for the material of claim 1. In claim 17, the material is contemplated to be used as a medical device. In claim 20, the material is contemplated to be used as a medical implant. In claim 21, the intended use is as an orthopedic implant. In claim 22, the material is intended to be used as a dental filling material or dental implant; and in claim 23, the material is intended to be used as a drug carrier. In each case, however, the ceramic composition is essentially the same. There can accordingly be no proper line of division, between claims drawn to essentially the same biocompatible ceramic composition tailored for this, that or the other purpose.

Thus, if claim 1 is allowed, then all of claims 17 and 20-23, among others, must also be allowed.

Notice that claim 23 (like claims 17 and 19-22) is not a claim directed to a method for drug delivery. The claim is directed to the biocompatible ceramic composition of claim 1 and

so is an article claim, indivisible from other article claims reciting substantially the same material.

Separate classification is cited in the Official Action, presumably in support of the requirement for restriction. But classification is no evidence of the propriety of a requirement for restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot diminish an applicant's rights in any way.

Accordingly, an action on the merits of all of claims 1-23 is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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